

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:08-cr-00016-MR**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW JAMES DURY,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's "Common Law Motion under Article III, Constitution for the United States and Article VI Section 2" [Doc. 64].

In his motion, the Defendant seeks the recusal of the undersigned. He also moves to withdraw his guilty plea and demands to be returned to North Carolina for trial. [Doc. 64].

This is the Defendant's third motion to withdraw his guilty plea. The prior two motions were denied [Doc. 58], and the Fourth Circuit Court of Appeals affirmed the denial of these motions [Doc. 62]. For the reasons stated in the Court's prior Order [Doc. 58], the Defendant's motion to

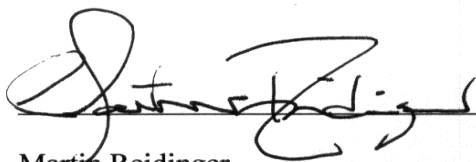
withdraw his guilty plea and to be returned to North Carolina for trial is denied.

The Defendant's motion for recusal similarly must be denied. In seeking recusal, the Defendant complains that the Court committed perjury and fraud in its prior Orders. [Doc. 64 at 2]. While couched in terms of fraud and perjury, the Defendant clearly takes issue with the Court's rulings that were adverse to him. The Defendant's dissatisfaction with the Court's prior rulings, however, is not a sufficient grounds for recusal. See United States v. Lentz, 524 F.3d 501, 530 (4th Cir. 2008) ("judicial rulings alone almost never constitute a valid basis for a bias or partiality motion") (quoting Liteky v. United States, 510 U.S. 540, 555 (1994)). Accordingly, the Defendant's request for the undersigned to recuse himself is denied.

IT IS, THEREFORE, ORDERED that the Defendant's "Common Law Motion under Article III, Constitution for the United States and Article VI Section 2" [Doc. 64] is **DENIED**.

IT IS SO ORDERED.

Signed: December 31, 2015


Martin Reidinger
United States District Judge

